

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Toll Free Service Access Codes

Database Services Management, Inc.
Petition for Declaratory Ruling

Beehive Telephone Company
Petition for Declaratory Ruling

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CC Docket No. 95-155

NSD File No. L-99-87

NSD File No. L-99-88

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION TO PETITIONS FOR RECONSIDERATION

Beehive's petition for reconsideration of the Commission's Fifth Report and Order is based entirely on what it claims are "facts not previously presented to the Commission" — namely, that the Bell companies, rather than DSMT, provide SMS/800 service.¹ This can hardly be a new fact to the Commission (even if one could believe that it is new to Beehive) because it was the Commission that ordered the Bell companies to provide the service and to provide it under federal tariff.² Verizon³ urges the Commission to summarily reject Beehive's petition.

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¹ Beehive at 2.

² *Provision of Access for 800 Service*, 8 FCC Rcd 1423 (1993) ("*CompTel Declaratory Ruling*").

³ The Verizon telephone companies ("Verizon") are the affiliated local telephone companies of Bell Atlantic Corporation (including the telephone companies formerly affiliated with GTE Corp.), d/b/a Verizon Communications. A list of these companies is attached.

WorldCom's claims are more substantive but no more substantial. WorldCom argues at length that DSMI is not "neutral" as the Commission has defined that term.⁴ However, the Commission correctly applied its definition of neutrality and found that DSMI qualified.

But whether DSMI is "neutral" is beside the point. The statute requires that number administration be "impartial" and that numbers be made "available on an equitable basis."⁵ The Commission was clearly correct when it concluded that the fact that toll-free number administration is performed under tariff and the Commission's Rules ensures that the statutory requirements are met.⁶

The fact that the tariff "does not strictly define every action, formal and informal, that may be undertaken by DSMI"⁷ does not mean that the tariff and Rules do not ensure impartial operation. While WorldCom points to specific functions that are not spelled out in the tariff, it does not claim that DSMI has ever acted in an impartial way in performing those functions. This track record of more than seven years is far more telling than WorldCom's speculative concerns.

The facts show that the toll-free number administration system is impartial. The SMS/800 functions tariff contains the prices, terms, and conditions of access to the SMS/800 system, as well as eligibility requirements for RespOrgs and a list of RespOrg responsibilities. Like any other tariffed service, the Commission requires that SMS/800 functions be provided on a nondiscriminatory basis.⁸

⁴ WorldCom at 1-5.

⁵ 47 U.S.C. § 251(e)(1).

⁶ *Fifth Report & Order* ¶ 25.

⁷ WorldCom at 6.

⁸ *CompTel Declaratory Ruling* ¶ 29.

These facts were surely sufficient to support the Commission's conclusion that the system is impartial.

And access to SMS/800 functions has in fact been provided on a nondiscriminatory basis. As the Chief of the Common Carrier Bureau has recognized, no party has ever "alleged specific acts of discrimination by the BOCs or Bellcore in connection with the 800 database."⁹ In fact, both AT&T and Sprint commended the manner in which the service is provided. According to AT&T, "the 800 SMS database administration is currently functioning in a problem-free manner" and "AT&T knows of no instances of discriminatory conduct by DSMI."¹⁰ Likewise, Sprint emphasizes "that DSMI's performance to date has been satisfactory."¹¹

The tariffing requirement ensures that toll free numbers are administered in an impartial way: The Bell companies provide the RespOrgs with access to the SMS/800 database on nondiscriminatory terms and conditions, and the individual RespOrgs select toll free numbers on a first-come, first-served basis. Since the RespOrgs obtain nondiscriminatory, direct electronic access to the national database, they are able to reserve numbers themselves without the intervention of any other entity and without fear of favoritism. Section 251(e)'s requirements are thus satisfied.

Finally, WorldCom claims that the Commission did not "articulate a valid reason for reversing [its] prior conclusion" about the toll-free number administration system.¹² To the contrary,

⁹ Letter from Kathleen Wallman, Chief, Common Carrier Bureau, to James S. Blaszak, Gardner Carton & Douglas et al. at 2 (June 21, 1995).

¹⁰ Comments of AT&T Corp. at 4 (May 22, 1997).

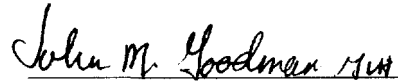
¹¹ Comments of Sprint Communications Company, L.P. at 2 (May 22, 1997).

¹² WorldCom at 7.

unlike the order on which WorldCom relies.¹³ the latest order discusses the structure and operation of that system at length and explains its conclusion that this system meets the statutory standard.

The Commission should reject both petitions.

Respectfully submitted,

A handwritten signature in cursive script, reading "John M. Goodman".

John M. Goodman

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Dated: August 14, 2000

¹³

Toll Free Service Access Codes, 12 FCC Rcd 23040 (1997).

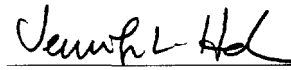
THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the affiliated local telephone companies of Bell Atlantic Corporation (d/b/a Verizon Communications), including the telephone companies formerly affiliated with GTE Corporation. These are:

- Contel of Minnesota, Inc. d/b/a Verizon Minnesota
- Contel of the South, Inc. d/b/a Verizon South Systems
- GTE Alaska Incorporated d/b/a Verizon Alaska
- GTE Arkansas Incorporated d/b/a Verizon Arkansas
- GTE Midwest Incorporated d/b/a Verizon Midwest
- GTE Southwest Incorporated d/b/a Verizon Southwest
- The Micronesian Telecommunications Corporation
- Verizon California Inc.
- Verizon Delaware Inc.
- Verizon Florida Inc.
- Verizon Hawaii Inc.
- Verizon Maryland Inc.
- Verizon New England Inc.
- Verizon New Jersey Inc.
- Verizon New York Inc.
- Verizon North Inc.
- Verizon Northwest Inc.
- Verizon Pennsylvania Inc.
- Verizon South Inc.
- Verizon Virginia Inc.
- Verizon Washington, DC Inc.
- Verizon West Coast Inc.
- Verizon West Virginia Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2000, copies of this "Opposition to Petitions for Reconsideration" were sent by first class mail, postage prepaid, to the parties on the attached list.

A handwritten signature in cursive script, appearing to read "Jennifer L. Hoh", is written over a horizontal line.

Jennifer L. Hoh

- * Via hand delivery.
- + By Facsimile

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